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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,284	06/05/2001	Ichiro Koyama	1506.1009	4763
21171	7590	06/28/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HOLZEN, STEPHEN A	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/873,284

Applicant(s)

KOYAMA, ICHIRO

Examiner

Stephen A. Holzen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8, 13-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 4/5/2004 have been fully considered but they are not persuasive. Hennig et al teach that it is well known in the art to generate and output delivery instructional data to a preferred supplier/shipper. Applicants arguments found in paragraph 6 of the amendment are no persuasive because they are more specific than the claim language allows for. Regarding claim 3, no weight has been given to the preamble.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (2001/0054008) in view of Hennig et al (6,587,827).

Re - Claims 2 and 3: Miller discloses almost every aspect of the present invention, evidenced through paragraphs 167-178. Miller et al teaches every aspect of the present invention except for the step of generating order data, which includes the specified retailer information, customer information and goods designation information. Hennig et al teaches that it is well known in the art to greater order data, which includes the specified retailer information customer

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information and goods designation information (see Figures 3 and 4) wherein said designation data further includes deliver destination information for specifying a delivery destination of the goods, and said order data further includes the deliver destination information in the designation data (see Hennig Col. 5, line 57 and appendix A Table 1) further comprising a step of transmitting the generated order data to the first client computer of the retailer indicated by the retailer information in the order data (see Hennig Figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teachings of Hennig into the invention of Miller for increased buying and product selling efficiency.

Re - Claim 6: wherein said packaging material data further includes payment mode information indicating one or more payment modes provided by the retailer indicated by the retailer information in the packaging material data said offering data further includes the payment mode information in the packaging material data, said designation data further includes payment mode designation information disengaging a payment mode selection by the customer based on the payment mode information in the offering data and said order data further includes the payment mode designation information in the designation data. (see Hennig Table 1 #26)

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Wilsford as applied to claim 3 above.

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Re - Claim 7: wherein said goods data includes retailer information indicating every retailer usually selling corresponding goods, (see Miller abstract lines 5-6)

and the method further comprising a step of extracting order data whose retailer information indicates a retailer different from then that indicated by the retailer information in the goods data corresponding to goods designation information in the same order data and a step of gathering statistics including the retailer information and goods designation information in the extracted order data. (Wilsford teaches that it is now to track customer tendency and compiles statistics for marketing use). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to track customer tendencies for marketing strategy.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of ordinary skill in the art. Miller discloses every aspect of the invention except calculating the total price of the goods by adding the price of the goods and the price of the wrapping. However the examiner takes official notice that it would have been obvious to one having ordinary skill in the art at the time the invention was made to charge customers for wrapping and packaging the products they purchased because they costs money, and a wise vendor would not engage in an agreement with a client or customer which resulted in a loss of money.

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6. Claims 13 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Hennig et al. Miller teaches selecting goods a packing material and a deliver destination, sending order data to the retailer (see paragraphs 167-`78). Miller does not teach sending delivery data to a freight agency. Hennig et al however teaches that it is known to send delivery data to a supplier. (see Col. 6, lines 35-40) ). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teachings of Hennig into the invention of Miller for increased buying and product selling efficiency.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on 703 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER